

EXHIBIT 4
DATE 02/15/2013
HB 428

Oppose HB 428
Optional Mail in Ballots

Mary Beveridge

Election Judges

13-4-102. Manner of choosing election judges. (1) Subject to [13-4-107](#), election judges must be chosen from lists of qualified registered electors for each precinct in the county, submitted at least 45 days before the primary election in even-numbered years by the county central committees of the political parties eligible to nominate candidates in the primary.

(2) The list of each party may contain more names than the number of election judges to be appointed. The names of those not appointed as election judges must be given to the election administrator for use in making appointments to fill vacancies.

(3) Each board of election judges must include judges representing all parties that have submitted lists as provided in subsection (1). No more than the number of election judges needed to obtain a simple majority may be appointed from the list of one political party in each precinct. If any of the political parties entitled to do so fail to submit a list meeting the requirements of this section, the governing body shall, to the extent possible, appoint judges so that all parties eligible to participate in the primary are represented on each board.

(4) The election administrator shall make appointments to fill vacancies from the list provided for in subsection (2). If the list is insufficient or if one or more of the eligible political parties fails to submit a list meeting the requirements of this section, the election administrator may select enough people meeting the qualifications of [13-4-107](#) to fill election judge vacancies in all precincts.

(5) An elector chosen to potentially serve as an election judge must be notified of selection at least 30 days before the primary election in even-numbered years. Each elector who agrees to serve as an election judge shall attend a training class conducted under [13-4-203](#) and shall continue to serve as provided in [13-4-103](#).

Challenges

13-13-301. Challenges. (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

(a) is of unsound mind, as determined by a court;

(b) has voted before in that election;

(c) has been convicted of a felony and is serving a sentence in a penal institution;

(d) is not registered as required by law;

(e) is not 18 years of age or older;

(f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in [13-2-514](#);

(g) is a provisionally registered elector whose status has not been changed to a legally registered voter; or

(h) does not meet another requirement provided in the constitution or by law.

(3) When a challenge has been made under this section, unless the election administrator determines that the challenge is insufficient, then without the need for further information:

(a) prior to the close of registration under [13-2-301](#), the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under [13-2-402](#); or

(b) after the close of registration or on election day, the election administrator or, on election day, the election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in [13-15-107](#).

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The notification must be made:

(i) within 5 days of the filing of the challenge if the election is more than 5 days away; or

(ii) on or before election day if the election is less than 5 days away.

(c) The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided.

(5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors.

13-13-120. Poll watchers -- announcement of elector's name. The election judges shall permit one poll watcher from each political party to be stationed close to the poll lists in a location that does not interfere with the election procedures. At the time when each elector signs the elector's name, one of the election judges shall pronounce the name loud enough to be heard by the poll watchers. A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name. Poll watchers must also be permitted to observe all of the vote counting procedures of the judges after the closing of the polls and all entries of the results of the elections.

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Clerk Reveals Price of Early Voting

0 Comments | Posted in [News](#) | By MacIverNews | Posted January 29, 2013 3:35 PM

According to One Estimate, Absentee Voting Cost Almost \$5 Million for the June Recall

Madison, Wisc...] Each absentee voter costs Wisconsin municipal governments between \$13 and \$18, according to one village clerk at meeting with the Government Accountability Board on Tuesday.



Barbara Goeckner, Village of Germantown Clerk, was part of the "Clerk Concerns Taskforce Meeting," which was discussing recent elections with the GAB. She said it costs \$13 for each in-person absentee voter and \$18 for each mail-in absentee ballot.

Goeckner said she doubts many other clerks have examined the cost of absentee voting, and that government officials are always shocked when she shares the figures with them.

"About 3 years ago I calculated out staff time and how much time it took to handle that absentee ballot from the time the person comes in and votes," she said. "On average you were spending 15 to 20 minutes for every absentee you dealt with."

Goeckner estimates the total cost of absentee voting in Germantown for the November election was \$67,000.

During the June 5th Recall Election 309,066 people requested absentee ballots. 153,854 were in person and 155,212 were by mail. That comes out to about \$4.7 million for absentee voting throughout the state, using the figures provided by Goeckner.



BILLINGS GAZETTE

Silver Bow, Missoula counties circumvent troubles with ES&S counting machines

**2012 Election
Results**

NOVEMBER 08, 2012 8:30 PM • BY TOM LUTEY

The sun had set twice since Election Day and still Yellowstone County workers were counting votes Thursday afternoon on ballot

machines that jammed after a couple of dozen ballots.

With right around 70,000 voters turning out for the general election, it was the worst possible time for things to go haywire. Elections Administrator Bret Rutherford and his predecessor, Duane Winslow, said several things had tripped up their count. The biggest snag appears to be folded absentee ballots, of which Yellowstone County issued about 53,000.

"It really was just the jamming that was the main issue," Rutherford said.

The ballot-counting machines made by Elections Systems & Software, of Omaha, Neb., don't perform well with folded ballots. This isn't the first election that folded ballots were fed into the ES&S machines — the county has three that cost \$65,000 each — but it was a particularly bad experience.

ES&S did not respond to a Billings Gazette interview request Thursday. The company did send a subcontractor to Billings to deal with the sputtering machines, which were working better by Thursday afternoon.

Montana elections officials are familiar with the problems ES&S machines have with folded ballots.

In Missoula County in 2008, a poorly placed crease in the general election ballot brought the Election Day count to a near-standstill. The fold bisected one of the circles beside a candidate's name. The irregularity was enough to stop the machines.

"2008. That was the election I folded them. We folded them, and it didn't work so well," said Vickie Zeier, Missoula County elections administrator.

ES&S later showed Zeier how the ballots should be folded. She now has a professional printer fold the ballots, which seems to make a difference.

But Zeier made other changes, also. Her staff now removes all the ballots from the envelopes, back folds them to soften the folding creases, and then stacks them flat so their weight works against the fold. Lastly, Zeier's workers cap the ballot stacks with 40-pound weights to give them one last good press before scanning.

"It helps a lot. We started counting at 8 a.m., and we had everything but the Tuesday mail ballots counted before 8 p.m., 33,000 voters, 66,000 sheets," Zeier said.

On Election Day, Zeier positions smaller ballot scanners at the polling places, so voters actually scan their own ballot into the system. As soon as the last vote of the day has been cast, Zeier has results for the people who voted in person, which amounted to more than 19,000 on Tuesday.

Tuesday's election went more smoothly than 2008, Zeier said. Though Missoula County votes were still being tabulated at 5 a.m. Wednesday, those votes stemmed from a crush of last-minute new-voter registrations.

In Silver Bow County, Elections Administrator Sally Hollis has steered clear of folded ballot jams by simply not folding them. Hollis mails out absentee ballots in legal-sized envelopes so they stay flat. On Election Day, she had 12 jams because of a malfunctioning machine but otherwise scanned 9,800 without a problem.

"I got a ballot from Helena, and I seen it all folded up and I said, 'No way. No.' There was no way. It would take a lot to straighten it out," Hollis said.

Badly folded ballots are handed over to a "resolution board," which transcribes the votes onto a new, flat ballot that is counted in place of the folded one, which is destroyed.

The large envelopes have presented other issues for Silver Bow County, Hollis said. Postage for the larger envelopes was \$2.12 this general election because the ballot was two full sheets of paper. For a one-sheet ballot, postage is about \$1.50, she said.

Because of the expense to voters, the Butte-Silver Bow government will send one Republican and one Democrat out together to retrieve ballots.

Most voters who have their ballots picked up are poor, elderly or ill, Hollis said. The percentage of voters choosing to drop off their ballots rather than mail them is considerable.

County finds 23 absentee ballots and counts them prior to canvass

Published: Wednesday, November 21, 2012 8:01 AM MST

Nobody is happier to have this year's Presidential General Election over with than Glacier County Clerk and Recorder Glenda Hall and her election staff. Hall and company canvassed the election results on Monday, Nov. 19, but not before they had to count 23 absentee ballots they "found" last week while putting away election supplies.

According to Hall, "On Thursday (Nov. 16) the elections staff was cleaning and putting things away from the General Election, when 23 absentee ballots were found in a supply box from the (Browning) CCD Center."

Hall said they "immediately called the Secretary of State's Office, who asked if we could verify that these ballots were in fact received by 8 p.m. on election night. I replied that yes, they were and these voters do deserve to have their vote counted and their voices heard."

Hall continued, "Since the Glacier County election canvass had not been finalized, it was decided to publish the counting of the ballots during the next regularly scheduled commission meeting and then schedule the official canvass in the afternoon." The item appeared on the Nov. 19 commissioners' agenda and the ballots were counted at 9 a.m.

"The situation is unfortunate, but what happened can be used as a training tool and we will definitely use this to improve procedures for the next election if this upcoming legislature chooses not to allow mail ballot elections," concluded Hall.

Glacier County had 2,561 absentee ballots issued and of those, Diane Proefrock, co-election administrator, said 79 percent or 2,023 were returned. Not included in that figure are the 23 votes counted on Nov. 19, she stated.

This election had 150 total provisional ballots, with 147 of them verified and counted.

This year's election had 214 late registrants from Oct. 10 through Nov. 6, reported Proefrock, with 100 of them coming on Election Day, she added. Of the total, Proefrock said "56 were new registrants that were totally new or had been cancelled before."

Proefrock said the costs for this year's election have not been tallied yet, but in 2010 the general election expenses were about \$46,000.

http://cutbankpioneerpress.com/articles/2012/11/21/glacier_reporter/news/doc50ac15289b419635554775.prt